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APR - 2 2004

In re Application of:
AOKI *et al.* :
Serial No.: 10/087,849 :
Filed: March 05, 2002 :
Attorney Docket No.: **1614.1220** :

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition filed November 21, 2003, to withdraw the holding of abandonment in the above identified application under 37 CFR § 1.181. No petition fee is required.

The request is **GRANTED**.

The application was held abandoned for the failure to timely file a response to the Restriction Requirement mailed on April 04, 2003, which set a one (1) month response period. A Notice of Abandonment was mailed on November 14, 2003.

Petitioner asserts that on May 08, 2003, a response, including an election, was timely filed in the above-identified application. To support this assertion, petitioner has submitted a copy of a response bearing a certificate under 37 CFR § 1.8(a), signed and dated May 05, 2003, and a copy of a return postcard, which acknowledges receipt in the USPTO of an amendment on May 08, 2003.

A review of the application file reveals the above noted response was not matched with the application file wrapper at the time of mailing of the Notice of Abandonment. The above-identified response filed May 08, 2003, has since been located and matched with the file wrapper.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner of record for consideration of the response and prompt appropriate action.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (571) 272-1594.



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